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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,069	09/27/2001	Mauro Dresti	81230.66US1	4927
34018	7590	01/11/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/967,069	DRESTI ET AL.	
	Examiner	Art Unit	
	Trang U. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/27/01, 11/26/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group III and corresponding claims 5-11 in the even that the linking claims 1-2, which link Groups I and III, in the reply filed on July 30, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made in the reply filed on July 30, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipate by Tessier et al. (US Patent No. 5,629,868).

In considering claim 1, Tessier et al discloses all the claimed subject matter, note 1) the claimed a video system comprising: a video screen is met by the TV screen 27 (Fig. 1), 2) the claimed a screen generator connected to the video screen and comprising programming to flash the video screen to convey channel identification information via a predetermined serial protocol is met by the video display generator 49

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(a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50), 3) the claimed a remote control comprising: an optical receiver connected to receive the video screen flashes and convert them to an electrical signal is met by the light detector diode 47 (Fig. 1, col. 5, line 58 to col. 6, line 45), and 4) the claimed a controller connected to the optical receiver for decoding the electrical signal, whereby the channel identification information may be conveyed to the remote control is met by the microcontroller 43 (Fig. 1, col. 5, line 58 to col. 6, line 45).

In considering claim 2, the claimed wherein the video screen is operably connected to flash light and dark screens is met by the video display generator 49 (a central white rectangle) to appear on the display of the television monitor 27 which flash off and on (black and white) in accordance with the store data sequence to be transmitted (Fig. 1, col. 5, line 1 to col. 6, line 50).

Allowable Subject Matter

5. Claims 5-11 allowed.

Each independent claims 5 and 8 identifies the uniquely distinct feature:

“transmitting from the remote control to a video system a channel identification request; receiving through an optical receiver in the remote control a series of video screen flashes and determine the channel identification; and modifying the favorite channel table in the remote control with the channel identification”. The closest prior art, Tessier

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et al. (US Patent No. 5,629,868), either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Darbee et al. (US Patent No. 6,278,499 B1) disclose two-way remote control with advertising display.

Darbee et al. (US Patent No. 6,130,726) disclose program guide on a remote control display.

Mankovitz (US Patent No. 5,552,837) discloses remote controller for scanning data and controlling a video system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
January 7, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600